

PTO/SB/17 (11-04)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 10/01/2004. Patent fees are subject to annual revision.

**FEE TRANSMITTAL
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 740.00

Complete if Known

Application Number	10/701,984
Filing Date	November 6, 2003
First Named Inventor	Mark C. Metzger
Examiner Name	J. Casimer Jacyna
Art Unit	3751
Attorney Docket No.	75054.010400

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ None

Deposit Account Number

50-2638

Deposit Account Name

Peter J. Gluck

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FEE CALCULATION**1. BASIC FILING FEE**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

Subtotal (1) \$

FEE CALCULATION (continued)**2. EXTRA CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims Extra Claims Fee (\$)

- 20 or HP = 0 x = 0

HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = 0 x = 0

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims Fee (\$)

Subtotal (2) \$

3. OTHER FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
1-month extension of time	110	55	
2-month extension of time	430	215	
3-month extension of time	980	490	490.00
4-month extension of time	1,530	765	
5-month extension of time	2,080	1,040	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(g) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	340	170	
Filing a brief in support of appeal	340	170	
Request for oral hearing	300	150	
Other: Petition			250.00

Subtotal (3) \$

SUBMITTED BY

Signature

Name (Print/Type)

Peter J. Gluck

Registration No.
(Attorney/Agent)

38,022

Telephone 714 708-6500

Date

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1460.

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Greenberg Traurig

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Transmittal Cover Sheet

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Peter J. Gluck

Tel:
714.708.6500

E-Mail:
gluckp@gtdaw.com

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MAIL STOP: PETITION	703 872-9306	COMMISSIONER FOR PATENTS	

File No.: 75054.010400

Re: U.S. Patent Application Serial No. 10/701,894

Date: March 28, 2005

No. Pages: Including Cover Sheet 14

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PAGE 1/14 * RCVD AT 3/28/2005 5:54:22 PM (Eastern Standard Time) * SVR:USPTO-EFXXF-1/0 * DNIS:8729306 * CSID: * DURATION (mm-ss):03-44

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Application Number 10/701,984
 Filing Date November 8, 2003
 First Named Inventor Mark C. Metzger
 Examiner Name J. Casimer Jacyna
 Art Unit 3751
 Attorney Docket No. 75054.010400

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Account
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MARK C. METZGER
5647 WEST IRMA LANE
GLENDALE, AZ. 85305
623-561-0528

November 3, 2003

United States Patent and Trademark Office
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

This Patent application may be the same as a fraudulent application submitted by Charles James. I, Mark C. Metzger am the inventor of the apparatus. If in fact Charles James has submitted an application for this same apparatus I am requesting a hearing to prove that I am the true inventor of this apparatus.

I also declare that I am a small entity.

Sincerely,
Mark C. Metzger

VARTEK CORPORATION

420 S. Perry Lane, Suite 5

Tempe, AZ 85281-2992

(480)968-6661

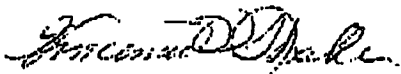
Fax (480)968-1547

June 8. 2004

To Whom It May Concern:

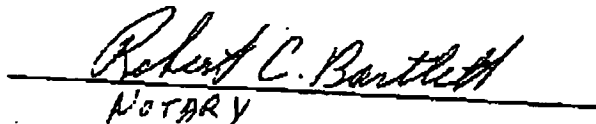
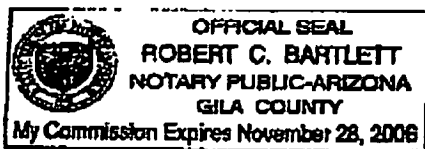
In January of 2002, Mark Metzger came to Vartek Corporation with a new bagging machine concept for automatically bagging ice cubes. The new concept was an idea Mr. Metzger stated to me that came to him when he and Shawn Stannard were at a McDonalds' fast food restaurant watching how french fries were being packaged. Mr. Metzger's new concept was a slider design, as opposed to his earlier design of a volumetric drum used by Arctic Ice. Vartek Corporation was asked to develop the electronics for this new system concept. Vartek developed the new electronics, which we watched operate on the first prototype system built by Mark Metzger. While the prototype system was at Vartek, Charles James and Steve Kreiger of Southeast Cooler visited Vartek Corporation to observe the above system in operation. After the demonstration, the system was shipped from Vartek Corporation to Southeast Cooler.

Sincerely,

Vincent Shaker
President

VS/jc

Signed and scribed before me this date 6/8/2004


NOTARY

IEC Supply, LLC
1455 W. 12 Pl.
Tempe Arizona, 85281
480-894-2375

June 14, 2004

To Whom It May Concern,

I Mike Zielinski, a manager at IEC Supply, LLC, have assisted Mark Metzger in the development of several automatic ice bagging systems over the past several years. My assistance has been in the form of providing Mark with several different types of motors and sensors to use during the development of the bagging systems.

In January of 2002, I became aware that Mark Metzger designed and built a bagger that was only 4 ft. wide, and use a slider design to measure and move the ice to the ice bag. Mark asked if I could provide him with a linear actuator motor mechanism to move the slider back-and-forth along with several other motors for different operations of the bagger. We tried several different size motors and sensors until we found the ones that worked best with the slider design. I observed the prototype slider bagger in working operation at Vartek Corp. in Tempe, Arizona in January of 2002.

The Win-Pak bagger later manufactured by Southeast Cooler is virtually the same design as a prototype bagger designed and built by Mark Metzger that I observed at Vartek Corp. in January of 2002.

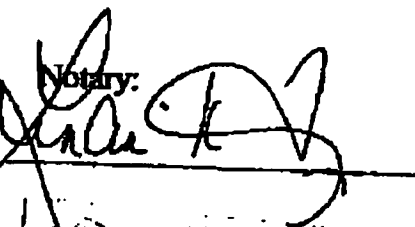
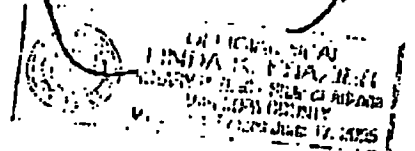
Sincerely,
Mike Zielinski

Signed:


Mike Zielinski

6-14-04

Notary:

Shawn Stannard
10525 W. Robin Ln.
Peoria, Arizona 85383
623-825-5573

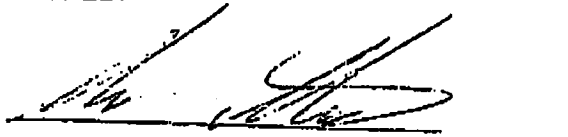
June 6, 2004

To Whom It May Concern:

The time during 1996 to 2000 I was an employee of Packaged Ice Inc. as an Area Manager for Arizona. I was in charge of the in store bagging machines that were in Albertsons, Safeway's and other major grocery chains. During the time of my employment with Packaged Ice, my colleague Mark Metzger and I saw some flaws in their system. At that time we came up with a design of the volumetric drum method and also the slider design which were both presented to Packaged Ice but were not accepted by their management. In February of 2002 Southeast Cooler was interested in seeing our in store bagging machine that had the implementation of the slider design. In March of 2004 Steve Krieger and Charles James of Southeast Cooler came to Phoenix to see the demo unit we had put together as a working model. They were very impressed with the machine and wanted to manufacture the machine. They made us employees of Southeast Cooler and manufactured some machines. We remained employees with Southeast Cooler until September 17, 2004 when they terminated both myself and Mark Metzger for unknown reasons. I feel at this time that Southeast Cooler has no rights to the Patents that were filed because we had implemented a working model that Charles and Steve saw before we became employees of Southeast Cooler/ Win-Pak.

Best Regards,
Shawn Stannard

SIGNED:


Shawn Stannard

NOTARY:

Malcolm L. Bertrand
6/8/04

